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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,048	02/20/2002	Rasoul Mirzazadeh Oskouy		4428
44987	7590	05/01/2006		
HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			EXAMINER HSU, ALPUS	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,048

Applicant(s)

OSKOUY ET AL.

Examiner

Alpus H. Hsu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-49 and 51-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-49 and 51-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Applicant's arguments with respect to claims 39-49, 51-72 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 39, 40, 41, 45-50, 53, 54, 57-60, 63-68 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHIAPPA in U.S. Patent No. 5,249,292 (newly cited) in view of MORRISSEY et al. in U.S. Patent No. 5,463,762 (of record).

Regarding claims 39, 41, 48, 49, 53, 54, 57-60, 63 and 64, CHIAPPA discloses an apparatus or a device for processing packets, comprising: a first input queue (26a) configured to receive a stream of incoming packets and divide each packet into header portion and payload portion and to output both header portions and payload portions; a first in-line packet processor (14a)/header processor (16a) for receiving the header portions from the first input queue, each beginning portion including first header information, and for detecting the existence of an error

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in the first header information of each beginning portion; and a first memory (20a) /buffer manager (18a) for storing packets received at the first input queue and for which the first in-line packet processor did not detect an error in the corresponding first header information (see col. 3, line 62 to col. 4, line 12, col. 7, line 46 to col. 8, line 24, col. 13, line 55 to col. 14, line 44).

CHIAPPA differs from the claims, it does not disclose the feature of forwarding beginning portion of packets to in-line packet processor without waiting for the entire packet to be received, which is well known in the art and commonly used in communications field for instantaneous packet processing.

MORRISSEY et al., for example, from the similar field of endeavor, teaches the instantaneous packet processing by forwarding header portion of packets to in-line packet processor without waiting for the entire packet to be received (see col. 5, line 44 to col. 6, line 18, col. 20, lines 41-57, col. 21, line 44 to col. 22, line 34), which can be easily adopted by one of ordinary skill in the art to implement into the system of CHIAPPA to further improve the system reliability and efficiency.

Regarding claims 45-47, CHIAPPA discloses a second input queue (26(n+m)) configured to receive a stream of incoming packets and to output beginning portions of packets as the beginning portions are received without waiting for the respective packets to be received in their entirety; and a second in-line packet processor (14p) for receiving the beginning portions from the second input queue, each beginning portion including first header information, and for detecting the existence of an error in the first header information of each beginning portion.

Regarding claims 65, 66 and 71, CHIAPPA discloses a method of processing a packet, comprising: receiving portions of a packet in a stream ; dividing the received packet into header

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portion and payload portion and transmitting both to packet processor, and detecting the existence of an error in the header portion; and dropping the packet upon existence of an error in the packet (see col. 3, line 62 to col. 4, line 12, col. 7, line 46 to col. 8, line 24, col. 13, line 55 to col. 14, line 44).

CHIAPPA differs from the claims, it does not disclose the feature of forwarding beginning portion of packets to in-line packet processor without waiting for the entire packet to be received, which is well known in the art and commonly used in communications field for instantaneous packet processing.

MORRISSEY et al., for example, from the similar field of endeavor, teaches the instantaneous packet processing by forwarding header portion of packets to in-line packet processor without waiting for the entire packet to be received (col. 5, line 44 to col. 6, line 18, col. 20, lines 41-57, col. 21, line 44 to col. 22, line 34), which can be easily adopted by one of ordinary skill in the art to implement into the method of CHIAPPA to further improve the system reliability and efficiency.

Regarding claims 40, 67 and 68, CHIAPPA disclose that the errors that the first in-line packet processor detects include at least one of unrecognized header format, failure to match a header pattern, incorrect checksum, or incorrect packet length (see col. 10, lines 36-39, col. 13, lines 20-25, col. 13, line 68 to col. 4, line 3).

5. Claims 42-44, 51, 52, 55, 56, 61, 62, 69, 70 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHIAPPA in U.S. Patent No. 5,249,292 (newly cited) in view of MORRISSEY et al. in U.S. Patent No. 5,463,762 (of record), and further in view of SUZUKI in U.S. patent No. 4,799,215 (of record).

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Regarding claims 42-44, 51, 52, 55, 56, 61, 62, 69 and 70, the apparatus, device and method provided by CHIAPPA in view of MORRISSEY et al. differs from the claims, it does not disclose includes a first and second header information, where the first header information comprises link layer header information and the second header information comprises network layer header information, which is also well known in the art and commonly used in communications field for providing higher level data link control and error recovery retransmission control on a link-by-link basis throughout the network.

SUZUKI, for example, from the similar field of endeavor, teaches the use of two headers, with a first and second header information, where the first header information comprises link layer header information and the second header information comprises network layer header information (col. 4, lines 56-66 and figure 3), which can be easily adopted by one of ordinary skill in the art into the system and method in CHIAPPA in view of MORRISSEY et al. to provide higher level data link control and error recovery retransmission control on a link-by-link basis throughout the network to further improve the system reliability and efficiency.

Regarding claim 72, SUZUKI also disclose a plurality of output line interfaces (52) configured to output respective streams of outgoing packets, a lookup processor (51) for determining an output line interface for each packet stored in the first memory based on second header information contained in the packet; and a controller (50) for facilitating transmission of packets from the first memory to the respective output line interfaces determined by the lookup processor.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Bray, Waggener, Jr. et al., Muller et al., Doshi et al., and Schwartz et al. are additionally cited to show the common feature of packet forwarding in packet switching system utilizing input queue/buffer, packet processor, and memory similar to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu
Primary Examiner
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